IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2022 of 2007

SHYAM LAL SOMANI & ORS
V/S
RAJ.HOUSING BOARD,JAIPUR & ORS

Mr. MADAN LAL PUROHIT, for the appellant / petitioner

Date of Order : 10.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The impugned order was passed on 22.2.2007, and the case was fixed on 2nd March 2007 with a direction to the plaintiff to produce all his evidence himself, and making it clear that no further opportunity shall be granted.

The present writ petition has been filed on 22.3.2007, while the certified copy of the order was received on 24.2.2007 itself. Be that as it may. One more important fact, which requires to be considered is that as appears from Annex.12 that this Court in Civil Misc. Appeal had given a direction on 22.8.2006 to the learned trial Court to decide the suit expeditiously as early as possible preferably within a period of one year from the date of receipt of that order. One year is nearly expiring, and learned counsel informs that after the impugned order, the plaintiff's evidence is already over.

In my view, in these circumstances, I do not stand

advised to go into the merits of the impugned order, and find it appropriate to leave it open to the petitioner to assail the correctness, legality, or propriety of the impugned order by raising appropriate ground in appeal, if necessity so arises, and if the petitioner so stands advised.

The writ petition is, accordingly, dismissed with the aforesaid liberty.

(N P GUPTA),J.

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